

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ATLAS OIL COMPANY and
ATLAS OIL TRANSPORTATION,
INC.,

Plaintiffs,

v.

EXTREME PETROLEUM
SERVICES COMPANY and
GLENDA RENAE AKIN,

Defendants.

Case No. 2:20-cv-10877
District Judge Arthur J. Tarnow
Magistrate Judge Anthony P. Patti

**ORDER AWARDING IN PART PLAINTIFFS' REQUEST FOR FEES AND
COSTS (ECF No. 41)**

The Court's October 1, 2021 order granted Plaintiff's motion to compel and concluded that Plaintiffs were entitled to payment of expenses consistent with Fed. R. Civ. P. 37(a)(5)(A). (ECF Nos. 40, PageID.628-629.) Although the Court provided dates for submissions related to expenses, the Court also strongly encouraged the parties to discuss the issue of reasonable costs and expenses. (*Id.*, PageID.629.)

Currently before the Court is Plaintiffs' October 11, 2021 bill of costs, by which Plaintiff seeks reimbursement in the amount of \$4,596.00 – *i.e.*, 3.7 hours at an hourly rate of \$305.00 for attorney Jordan C. Giles and 9.5 hours at an hourly

rate of \$365.00 for attorney Herman D. Hofman. (ECF No. 41.) Plaintiffs support their request with attorney Hofman's October 11, 2021 affidavit. (ECF No. 41-1.) Defendants object to the bill of costs, arguing that the hourly rates and the number of hours are unreasonable. (ECF No. 42.) They propose an award of \$750.00 – *i.e.*, reducing the hourly rates to \$250 and the number of hours to 3. (*Id.*, PageID.659-660.)

Upon consideration, the Court **AWARDS IN PART** Plaintiffs' request for fees and costs (ECF No. 41). Given the type of motion at issue, the Court concludes that a reasonable amount of time is **4.5 hours**, namely: (1) 2.5 hours for the motion (ECF No. 33); (2) 1.0 hour for the reply (ECF Nos. 38, 39), especially where Plaintiff's response was only 35 words in length (ECF No. 36, PageID.580); and, (3) 1.0 hour to prepare for and attend the September 29, 2021 video status conference. Moreover, according to the *2020 Economics of Law Practice in Michigan*, the median and mean attorney billing rates for: (1) 1 to 2, 3 to 5, or 6 to 10 years in practice are \$217/233, \$242/\$242 and \$250/\$285, respectively; (2) offices located in the Grand Rapids area are \$300/\$312; (3) business/commercial litigation are \$310/\$341 (although in the Grand Rapids area these rates are \$325/\$346); and, (4) Kent County are \$305/\$324.¹ Thus, the Court concludes that

¹ See <https://www.michbar.org/file/pmrc/articles/0000156.pdf>.

a reasonable hourly rate is **\$305** across the board, which reflects the Court's consideration of the aforementioned State Bar of Michigan survey (ECF No. 41-1), the "lodestar" factors (*see Isabel v. City of Memphis*, 404 F.3d 404, 415-416 (6th Cir. 2005)), the simple nature of this motion, and the ease with which the motion could be pursued without the need for extensive prior experience, as well as the Court's own experience. Accordingly, Defendants and their counsel shall reimburse Plaintiffs in the amount of **\$1,372.50** on or before **November 15, 2021**.

IT IS SO ORDERED.²

Dated: November 3, 2021



Anthony P. Patti
U.S. MAGISTRATE JUDGE

² The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days after being served with a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).